

## PATENT COOPERATION TREATY



PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference 402915WO	<b>FOR FURTHER ACTION</b> See Form PCT/PEA416	
International application No. PCT/EP2004/012249	International filing date (day/month/year) 28.10.2004	Priority date (day/month/year) 30.10.2003
International Patent Classification (IPC) or national classification and IPC H04Q7/38, G06K19/07		
Applicant KONINKLIJKE KPN N.V.		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>		
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>		
Date of submission of the demand  29.03.2005	Date of completion of this report  22.09.2005	
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Rabe, M  Telephone No. +49 89 2399- 	

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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

**Description, Pages**

1-7 as originally filed

**Claims, Numbers**

1-4 as originally filed

**Drawings, Sheets**

1/3-3/3 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing *(specify)*:
- ☐ any table(s) related to sequence listing *(specify)*:

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing *(specify)*:
- ☐ any table(s) related to sequence listing *(specify)*:

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	
	No: Claims	1-4
Inventive step (IS)	Yes: Claims	
	No: Claims	1-4
Industrial applicability (IA)	Yes: Claims	1-4
	No: Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

Reference is made to the following documents:

D1: WO 00/74406 A1

D2: WO 03/081934 A1

**A. Citations and explanations made in respect of paragraph V:**

1. Document **D1** (see in particular abstract; page 2, line 11 to page 3, line 3; page 3, lines 33 to 35; page 7, line 21 to page 10, line 7; page 10, line 34 to page 11, line 2; Figures 1 and 3c) discloses, in accordance with **all** the features of **claim 1**, a method for enhancing a wireless communication device (see "2" in Figure 1), containing a SIM chip (see "11" in Figure 3c) on a SIM card (see "10" in Figure 3c) with secure identification means, comprising adding a RF-ID tag (see "8" in Figure 3c) to said wireless communication device (see in particular page 10, line 34 to page 11, line 2).

In addition it should be noted that document **D2** (see in particular abstract; page 6, line 24 to page 7, line 29; Figure 2) discloses, in accordance with **all** the features of **claim 1**, a method for enhancing a wireless communication device (see "201" in Figure 2), containing a SIM chip (see "SIM" in Figure 2) on a SIM card with secure identification means (see in particular page 6, lines 29 to 32), comprising adding a RF-ID tag (see "202" in Figure 2) to said wireless communication device (see in particular page 6, line 29 to page 7, line 1).

The subject-matter of claim 1 therefore is, **either** in view of the disclosure of document **D1** **or** in view of the disclosure of document **D2** **not new**, Article 33 (2) PCT.

2. Furthermore, document **D1** (see in particular abstract; page 2, line 11 to page 3, line 3; page 3, lines 33 to 35; page 7, line 21 to page 10, line 7; page 10, line 34 to page 11, line 2; Figures 1 and 3c) discloses, in accordance with **all** the features of **independent claim 4**, a SIM card (see "10" in Figure 3c) with a SIM chip (see "11" in Figure 3c) comprising an RF-ID tag (see "8" in Figure 3c; see also page 10, line 34 to page 11, line 2).

The subject-matter of independent claim 4 therefore is **not new**, Article 33 (2) PCT.

3. **Dependent claims 2 and 3** do **not** contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step for the reason that the subject-matter of said claims is disclosed in document **D1** (for claim 3: see in particular page 10, line 34 to page 11, line 2; Figure 3c) and, respectively, in document **D2** (for claim 2: see in particular page 6, line 24 to page 7, line 14).

Dependent claims 2 and 3 therefore **do not** meet the requirements of Article 33 (3) PCT.

**B. Further remarks made in respect of the present application:**

If the applicant opts to enter the **PCT-II phase** (examination phase) or a national/regional phase, the following points should also be taken into consideration:

1. To meet the requirements of Rule 6.3 (b) PCT, any independent claim should be **correctly** cast in the **two-part form**, with those features which in combination are part of the nearest prior art (eg. document **D1**) being placed in the preamble.
2. To meet the requirements of Rule 5.1 (a) (ii) PCT, the documents **D1** and **D2**, which represent a relevant state of the art with regard to the present invention, should be identified in the opening part of the description and the relevant background art disclosed therein should be briefly discussed.
3. The opening part of the description - including the statement of the object/solution - should be **brought into conformity** with the wording of any new or amended independent claim(s), Rule 5.1 (a) (iii) PCT.
4. The general statement (ie. "... spirit ...") in line 28 on page 4 of the present description is not clear, and when used to interpret the claims renders them also unclear, contrary to Article 6 PCT.

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The statement therefore should be deleted (see PCT Guidelines, 5.30).

5. The figures should be correctly numbered (see Rule 11.13 (k) PCT).